

**REMARKS**

Claims 1, 12, 14, 25, 35 and 44 are all the claims pending in the application that have not been withdrawn from examination. Claims 1, 12, 14 and 35 are amended.

**Statement of Substance of Interview**

Applicant thanks the Examiner for conducting a telephone interview with the undersigned on June 12, 2009. Proposed amendments to claim 1, which are submitted here, were discussed. The teachings of Sato were discussed, in particular, how Sato's teachings concern selecting a transmission rate based on errors in the transmission channel. Sato does not teach selecting a session based on a quality of the video encoded data a receiver is authorized to receive. The Examiner agreed that Sato does not teach this feature.

Applicant amends the claims as discussed in the interview.

**Double Patenting**

Claims 1 and 44 are provisionally rejected in the final Office Action on the ground of nonstatutory double patenting over claim 24 of copending application no. 10/546,448. Applicant respectfully requests that the rejection be held in abeyance until either the copending or the present application is in condition for allowance but for the double patenting rejection.

**Prior Art Rejections**

Claims 1, 12, 14, 25, 35 and 44 are rejected under 35 U.S.C. § 102(c) as being anticipated by Sato et al. Applicant respectfully traverses the rejection.

Claim 1, for example, recites "selecting a session of multicast or broadcast distribution according to the compression ratio" in which video encoded data is distributed having different

compression ratios, and “the selection is based on a quality of the video encoded data a receiver is authorized to receive.”

As agreed in the interview, Sato does not disclose selecting a session based on a quality of the video encoded data a receiver is authorized to receive. Rather, Sato merely describes choosing a modulation scheme based on reception quality to correspond to one of two transmission rates. See, for example, col. 10, lines 64-67. But Sato does not teach or suggest that any of these selections or choices is based on a quality of video encoded data a receiver is authorized to receive. Accordingly, it is respectfully submitted that Sato does not anticipate claim 1.

Similarly, the other independent claims recite similar features or limitations concerning the data a receiver is authorized or permitted to receive. Accordingly, Sato does not anticipate any of the pending claims.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

AMENDMENT UNDER 37 C.F.R. § 1.114(c)  
U.S. Application No.: 10/544,403

Attorney Docket No.: Q89586

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

SUGHRUE MION, PLLC  
Telephone: (202) 293-7060  
Facsimile: (202) 293-7860

/J. Warren Lytle, Jr./  
J. Warren Lytle, Jr.  
Registration No. 39,283

WASHINGTON OFFICE

**23373**

CUSTOMER NUMBER

Date: June 12, 2009